

REMARKS

Claims 18-43, 45-46, and 48-55 are pending in the present application. Claims 18, 35 and 53 were amended to correct typographical errors without narrowing the scope of the claims. In addition, Claims 54-55 have been added to claim additional subject matter described in the application on at least page 7 lines 1-4, page 9 lines 7-10, page 10 lines 22-26, page 11 lines 18-23, and page 15 lines 17-23. Applicant respectfully requests consideration of the amendments and the below remarks prior to further examination on the merits.

Election/Restriction Requirement

Pursuant to 35 U.S.C. §121, restriction to one of three identified inventions (inventions 1-3) was asserted in the Office Action mailed August 11, 2006. In addition, with regard to identified invention 1 (claims 18-30), four (4) different species were identified. Namely, species IA1 described by claims 18, 19, 20, 24-30; species IA2 described by claims 18, 19, 21, 24-30; species IB1 described by claims 18, 20, 22-30; and species IB2 described by claims 18, 21, 22-30. Also, with regard to identified invention 2 (claims 31-42), four (4) species were also identified. Namely, species IIA1 described by claims 31-32, 33, 37-42; species IIA2 described by claims 31-32, 34, 37-42; species IIB1 described by claims 31, 33, 35-42; and species IIB2 described by claims 31, 34, 35-42. No species were identified for the identified invention 3 indicated as described by claims 43, 45-46, and 48-53.

Applicant hereby elects with traverse the group one invention described by claims 18-30, and further elects with traverse identified species IA1 described by claims 18, 19, 20, and 24-30.

Applicant's elections are with traverse because Applicant respectfully requests reconsideration of the Restriction Requirements in view of the indicated classifications of the inventions. Specifically, claims 18-30, indicated as describing a first invention, were classified

in class 348 subclass 14.05 or 379. Claims 31-42 were indicated as describing a second invention classified in class 705 subclass 14.

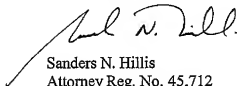
With regard to the first invention, class 348 is directed to "television," and subclass 379 describes "cathode ray tube display automatic black level bias controls." The limitations described by subclass 379 are not described in any of claims 18-30. With regard to the second invention (claims 31-42), class 705 is directed to data processing: financial, business practice, management, or cost/price determination. It appears that the first invention (Claims 18-30) was classified in the television class 348 due to the inclusion of "a broadcast station" and "broadcast information" in Claim 18. However, the preambles of both Claims 18 and 31 recite "a broadcasting system," and both Claims 18 and 31 also recite "broadcast information." In addition, it appears that second invention (Claims 31-42) was classified in the data processing: financial, business, practice, management, or cost/price determination class 705 due to recitation of "incentive information" therein, however, both claims 18 and 31 recite "incentive information for promoting a service."

As described in MPEP 803, one of the criteria for proper Requirement for Restriction is that there must be a serious burden on the Examiner if restriction is required. Due to similarities in the subject matter that was apparently used to classify these claims, Applicant respectfully asserts that a serious burden is not present. Applicant further respectfully requests that the classification be reconsidered, and that Claims 18-30 and Claims 31-42 be similarly classified, at least with regard to the class.

Generic Claims

As indicated in the Office Action mailed August 11, 2006, claims 18 and 31 are generic claims. In addition, new claim 54 is generic to all of the species identified as IA and IB. Further, new claim 55 is generic to all of the species identified as IIA and IIB. Accordingly, pursuant to Applicant's election with traverse of Invention 1 species IA, if the restriction requirement mailed August 11, 2006 is maintained in its present form, examination on the merits of claims 18, 54, 19-20 and 24-30 is respectfully requested.

Respectfully submitted,



Sanders N. Hillis
Attorney Reg. No. 45,712
Attorney for Applicant

SNH/sev/dlh

BRINKS HOFER GILSON & LIONE
CUSTOMER NO. 27879
Telephone: 317-636-0886
Facsimile: 317-634-6701